



Senate

General Assembly

File No. 845

January Session, 2009

Substitute Senate Bill No. 1002

Senate, April 30, 2009

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-306b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 (a) One or more architects, each of whom is licensed under the
4 provisions of chapter 390, one or more landscape architects, each of
5 whom is licensed under the provisions of chapter 396, one or more
6 professional engineers or one or more land surveyors, each of whom is
7 licensed under the provisions of this chapter, may form a corporation
8 or limited liability company for the joint practice of architecture,
9 landscape architecture, professional engineering, [and] land surveying
10 services [.] or [for the joint practice of architecture and professional
11 engineering services, or for the joint practice of architecture and land
12 surveying services, or for the joint practice of professional engineering
13 and land surveying services] any combination of such practices or
14 services, provided (1) one or more persons licensed as architects,

15 landscape architects, engineers or land surveyors under chapter 390 or
16 396 or this chapter [together] own not less than two-thirds of the
17 voting stock of the corporation or not less than two-thirds of the voting
18 interests of the limited liability company, and the members of each
19 profession forming the corporation or limited liability company
20 together own at least twenty per cent of the voting stock of the
21 corporation or at least twenty per cent of the voting interests of the
22 limited liability company, (2) the personnel in responsible charge of
23 the practice of architecture for such corporation or limited liability
24 company shall be licensed under chapter 390, [and] the personnel in
25 responsible charge of the practice of engineering or land surveying for
26 such corporation or limited liability company shall be licensed under
27 this chapter, and the personnel in responsible charge of the practice of
28 landscape architecture for such corporation or limited liability
29 company shall be licensed under chapter 396, and (3) such corporation
30 or limited liability company has been issued a joint certificate of
31 registration by the Department of Consumer Protection at the direction
32 of the Architectural Licensing Board, [and] the State Board of
33 Landscape Architects or the appropriate members of the State Board of
34 Examiners for Professional Engineers and Land Surveyors designated
35 to administer the provisions of this chapter with respect to professional
36 engineers or land surveyors. Such corporation or limited liability
37 company shall, upon request by the Architectural Licensing Board,
38 State Board of Landscape Architects or the State Board of Examiners
39 for Professional Engineers and Land Surveyors, provide the requesting
40 board with information concerning its officers, directors, members,
41 beneficial owners and all other aspects of its business organization.
42 Corporations for such joint practice in existence as of July 1, 1992, may
43 continue to be governed by the provisions of this subsection as revised
44 to 1989, provided the certificate issued under this section did not
45 expire more than two years before that date.

46 (b) Application by such corporation or limited liability company for
47 a certificate of registration under this section shall be made to [both] all
48 boards jointly on a form prescribed by the department and
49 accompanied by an application fee of four hundred fifty dollars. Each

50 such certificate shall expire annually and shall be renewable upon
51 payment of a fee of three hundred dollars, if all requirements of
52 chapter 390 or 396 and this chapter with respect to corporate or limited
53 liability company practice are met. The boards by joint action may
54 refuse to authorize the issuance or renewal of a certificate if any facts
55 exist which would entitle the boards to suspend or revoke an existing
56 certificate.

57 (c) Any corporation or limited liability company issued a certificate
58 under this section shall be required to comply with all provisions of
59 chapter 390 or 396 and this chapter with respect to corporate or limited
60 liability company practice.

61 (d) No such corporation or limited liability company shall be
62 relieved of responsibility for the conduct or acts of its agents,
63 employees, members or officers by reason of its compliance with the
64 provisions of this section, nor shall any individual practicing
65 architecture, landscape architecture, engineering or land surveying be
66 relieved of responsibility for services performed by reason of his or her
67 employment or relationship with such corporation or limited liability
68 company.

69 (e) All fees collected under this section shall be paid to the State
70 Treasurer for deposit in the General Fund.

71 (f) The Commissioner of Consumer Protection, with the advice and
72 assistance of the Architectural Licensing Board, the State Board of
73 Landscape Architects and the appropriate members of the State Board
74 of Examiners for Professional Engineers and Land Surveyors
75 designated to administer the provisions of this chapter with respect to
76 professional engineers or land surveyors, shall adopt regulations, in
77 accordance with chapter 54, to carry out the provisions of this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2009</i>	20-306b
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JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis

sSB 1002

AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION.

SUMMARY:

This bill

1. allows landscape architects to form a joint practice;
2. allows any combination of architect, landscape architect, professional engineer, and land surveyor in such a practice;
3. subjects landscape architects to the requirement that professional members in a joint venture own at least 20% of the voting stock or interests; and
4. includes references to landscape architects and the State Board of Landscape Architects in laws governing registration, liability, and regulation.

EFFECTIVE DATE: July 1, 2009.

LANDSCAPE ARCHITECTS

Under current law, any combination of licensed architects, professional engineers, and land surveyors may form a corporation or limited liability company (LLC) for the joint practice of their trades. The bill adds licensed landscape architects to the group, allowing them also to form a joint practice consisting of any combination of those practitioners.

In doing so, the bill applies existing requirements governing these joint ventures to landscape architects. These include requiring:

1. members of each licensed profession represented in a joint venture to own at least 20% of the voting stock or interests;
2. one or more licensees to own at least two-thirds of the voting stock or interests;
3. the personnel in charge of a particular practice be licensed;
4. the corporation or LLC to obtain a joint Department of Consumer Protection (DCP) registration certificate at the direction of the appropriate boards;
5. the corporation or LLC to provide, at the request of the appropriate board, information about the business organization; and
6. applicants for a registration certificate to apply to all boards jointly.

Legislative History

On April 9, the Senate referred the bill (File 173) to the Judiciary Committee, which reported a substitute eliminating provisions (1) expanding the role of the occupational and professional examining boards and commissions under DCP and (2) requiring both the appropriate examining board and DCP to report violations to the Office of the Chief State's Attorney.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/10/2009)

Judiciary Committee

Joint Favorable Substitute

Yea 34 Nay 0 (04/15/2009)